

REMARKS

In response to the July 13, 2005 Office Action, Applicants respond to the Examiner's detailed action with the following remarks. In a telephone interview on August 22, 2005, the examiner discussed Claim 1 in light of U.S. 6,691,466 (Childress), for which courtesy the examiner is thanked. Particularly, the Examiner suggested that the Applicant amend the claims to include the combination of the device and the door. The Examiner also suggested that the use of the term "covering" in place of the term "affixing."

Claim Rejections – 35 USC §102

In response to the Examiner's rejection of Claims 1 – 3, 5 – 7, 9, 12, 18 – 21, and 23 under 35 U.S.C. §102(e) as being anticipated by U.S. 6,691,466 (Childress), Applicant has amended claims 1 and 18. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1 and 18 are amended to claim the combination of the door reinforcing plate and a door in that the door reinforcing plate is affixed to a door. Support for this amendment is found in the bodies of original Claims 1 and 18 as well as in the fourth sentence of paragraph [0022]: "...the door reinforcing plate 12 is affixed to the vertical edge of a door...." Claims 1 and 18 are further amended such that the door reinforcing plate has a first portion that covers the vertical edge of the door and second portion that covers a portion of the outer surface of the door. This amendment is supported in the figures, especially Fig. 2b, and the first sentence of paragraph [0022]: "The door reinforcing plate 12 is angled...and includes an edge portion 24, an interior portion 26, an exterior portion 28...." The second portion of the door reinforcing plate referenced in the claims could be the interior portion 26, the exterior portion 28, or both. The outer surface of the door is referenced in paragraph [0028]. The reinforcing plate is thus described and shown to cover a portion of the outer surface of the door. These amendments are made to

clarify what was meant by the limitation that the door reinforcing plate is affixed to the edge of the door in the original claims. No new matter is added.

Childress teaches a U-shaped reinforcement member that “reinforces the door *within* the door’s edge,” column 2, lines 14 – 15 (emphasis added). Childress does not teach a reinforcement member that covers both the edge of the door and an outer surface portion of the door. The amended independent Claims 1 and 18 include the limitation of “the door reinforcing plate having a second portion covering an outer surface portion of the door.” The claims are distinctive from Childress because the claimed reinforcing plate includes a portion that covers a portion of the outer surface of the door and is thus not concealed, while Childress teaches only a reinforcement member that is embedded, and thus concealed, within the edge of the door.

The claims are directed to an invention that has the advantage of being easily used to retrofit a door with a reinforcing plate whereas Childress requires that a door be modified in order to embed the reinforcing member in the edge. Embedding the reinforcing member makes a retrofitting operation exceedingly difficult and impossible in certain cases. Further, the claimed invention may be applied to a door made of substantially any material, including steel and other metals. Childress is limited to primarily wood doors, as stated by Childress in lines 65 and 66 of column 2. Childress’s reinforcing member is especially poorly suited to be applied to a metal door due to the requirement that the member be embedded in the edge.

Applicant respectfully submits that Claims 1 and 18 and all claims that depend therefrom are therefore in condition for allowance.

Claim Rejections – 35 USC §103

Responsive to the Examiner’s rejection of Claim 4 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 5,031,946 (Yarrow), Applicant has amended Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1, from which Claim 4 depends, is distinct from the device taught by Childress for the reasons stated above in the section under the heading, “Claim

Rejections – 35 USC §102.” Yarrow, teaching a lock guard, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 4 is in condition for allowance.

Responsive to the Examiner’s rejection of Claims 8 and 10 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 5,566,509 (Long), Applicant has amended Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1, from which Claims 8 and 10 depend, is distinct from the device taught by Childress for the reasons stated above in the section under the heading, “Claim Rejections – 35 USC §102.” Long, teaching a steel door jamb reinforcing plate, does not overcome these deficiencies. Applicant therefore respectfully submits that Claims 8 and 10 are in condition for allowance.

Responsive to the Examiner’s rejection of Claims 11 and 22 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 4,752,517 (Beitel), Applicant has amended claims 1 and 18. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claims 1 and 18, from which Claims 11 and 22 respectfully depend, are distinct from the device taught by Childress for the reasons stated above in the section under the heading, “Claim Rejections – 35 USC §102.” Beitel, teaching end caps that support plastic door panels, does not overcome these deficiencies. Applicant therefore respectfully submits that Claims 11 and 22 are in condition for allowance.

Responsive to the Examiner’s rejection of Claim 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 5,475,044 (Stein), Applicant has amended Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1, from which Claim 13 depends, is distinct from the device taught by Childress for the reasons stated above in the section under the heading, “Claim Rejections – 35 USC §102.” Stein, teaching a silicone adhesive, does not overcome these

deficiencies. Applicant therefore respectfully submits that Claim 13 is in condition for allowance.

Responsive to the Examiner's rejection of Claim 14 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 5,070,650 (Anderson), Applicant has amended Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1, from which Claim 14 depends, is distinct from the device taught by Childress for the reasons stated above in the section under the heading, "Claim Rejections – 35 USC §102." Anderson, teaching a door jamb reinforcing plate, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 14 is in condition for allowance.

Responsive to the Examiner's rejection of Claim 15 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 5,737,878 (Raulerson, et al.), Applicant has amended Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1, from which Claim 15 depends, is distinct from the device taught by Childress for the reasons stated above in the section under the heading, "Claim Rejections – 35 USC §102." Raulerson, et al., teaching a door frame guard device, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 15 is in condition for allowance.

The remaining art of record has been considered and while analogous does not render obvious the invention as now claimed whether viewed singly or in combination.

Applicant appreciates the opportunity to call the Examiner and thanks the Examiner for returning the call from the undersigned practitioner on August 22, 2005. The Examiner is invited to call the undersigned practitioner if he has any matters to address that will facilitate allowance of the application.

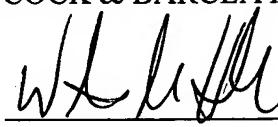
Applicant respectfully requests favorable consideration and that a timely Notice of Allowance be issued in this case.

Appl. No. 10/619,154
Resp. Dated September 12, 2005
Reply to Office Action of July 13, 2005

In the event that Applicant has overlooked the need for an extension of time, additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefore and authorizes that any changes be made to Deposit Account No.: 50-3010.

Respectfully submitted,

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AMENDMENT TO PATENT APPLICATION: Transmittal Form (1 Page); Amendment (10 Pages); Postcard for Acknowledgment, Certificate of Mailing for each.

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